

Sixth Appellate District

San Jose, California

MONDAY, JULY 16, 2007

H030624 E-FAB, INC. v. ACCOUNTANTS, INC. SERVICES

The judgment of dismissal is reversed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed July 16, 2007

The following case is submitted this date:

H030306 PEOPLE v. TRAN

H030012 PEOPLE v. BAKER

The judgment is reversed and the case is remanded to the trial court for resentencing. In resentencing appellant, the trial court is directed to institute proceedings in accordance with Penal Code section 1203.1b to determine appellant's ability to pay all or part of the costs of his probation. If the trial court determines that appellant has the ability to pay, the probation supervision fee shall not exceed \$40 per month. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed July 16, 2007

TUESDAY, JULY 17, 2007

H030566 MIRANDA v. INFINEON TECHNOLOGIES NORTH AMERICA, INC.

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed July 17, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Duffy, J.; and S. Nasson, Deputy Clerk.

H030190 PEOPLE v. RUIZ, et al.

Cause called and argued by Amy Haddix, Deputy Attorney General, appearing for Appellant and by Arthur Dudley appearing for Respondent and by Gordon Scott appearing for Respondent. Cause ordered submitted.

H030369 BALLON, et al. v. WOMEN'S CANCER CENTER

Cause called and argued by John Eardley appearing for Appellant and by Michael Low appearing for Respondents. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, July 17, 2007 (continued)

H029816 LEWIS v. THE PERMANENTE GROUP, et al.

Cause called and argued by Reuben Berne appearing for Appellant and by Kennedy Richardson appearing for Respondents. Cause ordered submitted.

Bamattre-Manoukian, J. leaves the bench. McAdams, J. takes the bench.

H030443 MERLO v. CITY OF PALO ALTO

Cause called and argued by Anthony Merlo appearing in propria persona and by Scott Pinsky appearing for Respondent. Cause ordered submitted. Court is in recess.

H030224 PEOPLE v. OLIVAS

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed July 17, 2007

H030053 HARTZHEIM et al. v. VALLEY LAND & CATTLE COMPANY et al.

The judgment is affirmed. (published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed July 17, 2007

H029790 PEOPLE v. SIERRA

The judgment is reversed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed July 17, 2007

H027550 PEOPLE v. SWEAT, et al.

Landry's conviction is reversed. The judgment is affirmed with regard to Lewis and Sweat. (not published)
(Rushing, P.J.; I concur: Premo, J., Concurring and dissenting opinion by Bamattre-Manoukian, J.)
Filed July 17, 2007

H028895 PEOPLE v. LARA

The order extending appellant's commitment is reversed. The court is directed, upon remand, to enter an order granting the motion to dismiss. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed July 17, 2007

H029776 HARPER, et al. v. SILVA, et al.

The November 15, 2005 order, construed as a judgment of dismissal, is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed July 17, 2007

Sixth Appellate District

San Jose, California

Tuesday, July 17, 2007 (continued)

H030571 GREENBERG v. ATCHUE, et al.

The order dated July 26, 2006 denying plaintiff's motion for fees and costs under section 2230.420 is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed July 17, 2007

H029447 PEOPLE v. CASTILLO-BRENKWITZ VARGAS

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)

Filed July 17, 2007

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; McAdams, J.; Duffy, J.; and J. Michel, Deputy Clerk.

H030255 ARMED FORCES INSURANCE EXCHANGE v. MARSHALL

Cause called and argued by Scott Jenny appearing for Appellant and by Ellyn E. Nesbit appearing for Respondent. Cause ordered submitted.

H030180 In re Marriage of CRANSTON

Cause called and argued by Stephen Kent Rose appearing for Appellant and by Bruce C. Janke appearing for Respondent. Cause ordered submitted.

Duffy, J. leaves the bench. Mihara, J. takes the bench.

H029084 PEOPLE v. CAMPODONICA

Cause called and argued by Lori D. Klein appearing for Appellant and by David M. Baskind, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Court adjourns.

WEDNESDAY, JULY 18, 2007

The following cases are submitted this date:

H031014 In re BRANDON C.; SANTA CRUZ COUNTY HRA v. SHERRI C.

H031255 In re ANNIE B.; SANTA CRUZ COUNTY HRA v. ANNIE B.

H030723 PEOPLE v. BARBER

Accordingly, the judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed July 18, 2007

Sixth Appellate District

San Jose, California

Wednesday, July 18, 2007 (continued)

H031505 JOHN G., Sr. v. SUPERIOR COURT OF SANTA CLARA COUNTY;
DFCS

The petition is denied. (not published)
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara,
J.)
Filed July 18, 2007

H030519 PEOPLE v. ROBLES

The trial court is ordered to modify the probation conditions in the judgment as follows: Replace "Not be present in any known gang gathering area" with "Not be present in any place that defendant knows to be or is told by his probation officer is a gang-gathering area." Replace "Not associate with any individuals known to be gang members or on probation or parole" with "Not associate with any individuals whom defendant knows to be or is told by his probation officer are gang members or on probation or parole." Replace "Not use or possess alcohol, narcotics, drugs or other controlled substances without the prescription of a physician, not traffic in or associate with persons who traffic in or use controlled substances" with "Not use or possess alcohol, narcotics, drugs or other controlled substances without a physician's prescription, nor traffic in or associate with persons whom defendant knows to be or is told by his probation officer are trafficking in or using controlled substances." With this modification, the judgment is affirmed. (not published)
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)
Filed July 18, 2007

H030069 CORRIGAN, et al. v. PENDO, et al.

The order is affirmed. Costs on appeal are awarded to respondents. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed July 18, 2007

THURSDAY, JULY 19, 2007

H031104 In re KARMA L.; D.F.C.S. v. TELICIA L., et al.

The order of the juvenile court terminating parental rights is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed July 19, 2007

Sixth Appellate District

San Jose, California

Thursday, July 19, 2007 (continued)

H030489 DVD COPY CONTROL ASSOCIATION, INC. v. KALEIDESCAPE, INC.

The order denying defendant's motion to unseal court record in a prior case is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed July 19, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; McAdams, J.; Duffy, J.; and Beth Miller, Deputy Clerk.

H029912 PEOPLE v. GRANT

Cause called and argued by Richard L. Rubin appearing for Appellant and by Sharon R. Wooden, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029759 PEOPLE v. HOWARD, et al.

Cause called and argued by Ramiah Shanti Brien appearing for Appellant Larry Eugene Howard, Jill Fordyce appearing for Appellant Joey Howard, and by Christina Vom Saal, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029960 BULIK v. NORDQUIST

Cause called and argued by Stuart Fishman appearing for Appellant and by Robin Yeamans appearing for Respondent. Cause ordered submitted.

H029105 WEI v. GREAT WALL TECHNOLOGY COMPANY, et al.; EXCELSTOR TECHNOLOGY, INC.

Cause called and argued by Thomas Hogan appearing for Appellants and by John Cardosi appearing for Respondents. Cause ordered submitted. The court is adjourned.

FRIDAY, JULY 20, 2007

H029275 PEOPLE v. DUNCAN

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed July 20, 2007

H029592 SAWYER v. MERCEDES-BENZ USA, LLC

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed July 20, 2007

Sixth Appellate District

San Jose, California

Friday, July 20, 2007 (continued)

H029679 OPPERWALL v. FINK, et al.

The judgment is affirmed. Costs on appeal are awarded to respondents. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed July 20, 2007

H029911 PEOPLE v. ALVAREZ

The judgment is affirmed. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed July 20, 2007

H029143 PEOPLE v. VINSON

The abstract of judgment is ordered modified by striking the 362-day term imposed on count 2, and by reducing the ordered court security fee from \$200 to \$20. As so modified, the judgment is affirmed. The clerk of the superior court shall modify the abstract of judgment as ordered herein and forward a copy of the modified abstract of judgment to the Department of Corrections and Rehabilitation. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)

Filed July 20, 2007

H030516 CHOPRA v. HELIO SOLUTIONS, INC., et al.

The order of June 14, 2006, denying issuance of a peremptory writ of mandate is affirmed. Costs on appeal are awarded to respondent Helio Solutions, Inc. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)

Filed July 20, 2007